

**MISSISSIPPI FAIR COMMISSION
JACKSON, MISSISSIPPI**

PUBLIC RECORDS.

1. SCOPE. The following regulation is hereby adopted by the Mississippi Fair Commission as provided by Section 3 of the Mississippi Public Records Act of 1983 (“Act”), for the orderly implementation of said law.

2. SCHEDULE OF FEES

- a. Personnel. Staff time shall be charged as follows: \$10.00 per hour per person for clerical time and \$20.00 per hour per person for supervisory or professional time for searching, reviewing and/or duplicating public records. Any part of an hour spent in such activities shall be prorated to the nearest half hour.
- b. Copies. \$.50 per page for each copy. Copies of pages printed on both sides (front and back) shall be considered as two pages for copy charge purposes.
- c. Packing fee. A \$5.00 packing and handling fee shall be charged on all requests for copies of public records to be shipped or mailed.
- d. Mailing fee. The cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to person requesting such public records.
- e. Payment of fees. Requestor shall pay the Fair Commission by cash or check prior to receiving the records. Delivery of the records may be delayed by no more than three working days where payment is by check.

3. REQUESTS.

- a. General. No person requesting public records shall be permitted to review Fair Commission files, however, copies of all records requested; within limitations imposed by the Act and this regulation, will be furnished such person.
- b. Where to Send Requests. All requests must be mailed, delivered or transmitted via facsimile to the Fair Commission. Oral and telephone requests and email requests that do not identify the requestor will not be accepted.
- c. Written Request Required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Fair Commission. All requests must include a specific description, identity and name of the records requested.
- d. Name, Address and Signature of Requestor. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request.
- e. Fair Commission Response. All requested records or information in the possession of the Fair Commission not specifically exempt as a public record by the Act, or this Regulation, shall be made available upon written request within fourteen (14) working days from the date of receipt of said request.

4. AVAILABILITY OF RECORDS. The availability of all records in the possession of the Fair Commission shall be subject to the following limitations:

- a. Any public record specifically declared to be confidential, privileged or exempt by the Act, or any constitutional or statutory law or decision of a court

of this state or the United States shall be exempt from the provisions of the Act.

- b. Any records furnished to the Fair Commission which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until forty five (45) days following written notice from the Fair Commission to person furnishing such records advising that request has been made for copies of such documents.

The notice shall contain a listing of specific documents requested and the name and address of the person requesting such documents or records.

Notices shall be mailed certified mail return receipt requested. At the end of the forty five (45) day notice period, copies of all records listed in said notice shall be released to person requesting such records unless person furnishing such records shall have obtained a court order protecting such records as confidential and exempting such records from the provisions of the Act.

- c. Personnel records and applications for employment, letters of recommendation for employment or respecting admission to any educational agency or institution in the possession of the Fair Commission, except those which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.

- d. Test questions and answers in the possession of the Fair Commission shall be exempt from the provisions of the Act.

- e. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Fair Commission and which are related to litigation made by or against the Fair Commission or in anticipation of prospective litigation, including all communications between such attorney made in the courses of an attorney-client relationship shall be exempt from the provisions of the Act.
- f. Records in the possession of the Fair Commission which would disclose information about a person's individual tax payment or status shall be exempt from the provisions of the Act.
- g. Information or records in the possession of the Fair Commission which concerns the sale or purchase of real or personal property for public purposes shall be exempt from the provisions of the Act, prior to public announcement of the purchase or sale, where the release of such records could possibly have a detrimental effect on such sale or purchases.
- h. Records in the possession of the Fair Commission which are not otherwise protected by law, that (1) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (2) would reveal the identity of informants; (3) would prematurely release information that would impede the Fair Commission's enforcement, investigation or detection efforts in such proceedings; (4) would disclose investigatory techniques; (5) would deprive a person of a right to a fair trial or impartial adjudication; (6) would endanger the life or safety of any Fair Commission personnel; (7) are matters pertaining

to quality control or PEER review activities shall be exempt from the provisions of the Act.

- i. Applications for licensure or test questions that are to be used in future license examinations in the possession of the Fair Commission, except that which may be released to the person who made the application or with the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.
- j. Commercial and financial information or records of a proprietary nature required to be submitted to the Fair Commission by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the provisions of the Act.
- k. Records in the possession of the Fair Commission as defined by Section 2(b) of the Act, which are not otherwise protected by law, that are compiled by reason of inspection or investigation of specific facilities, organizations, or devices pursuant to any law requiring such inspections or investigations to determine, insure, or enforce compliance with such law, shall be exempt from the provisions of the Act.